

### **Remarks**

Claims 1-44 are presently pending. Claims 5-6, 9-16, 21-22 and 42-43 have been withdrawn from consideration. Claims 34-41 and 44 are allowed. Claims 1, 4, 7, 8, 17, 20, 23-28, and 31 are rejected. Claims 2, 3, 18, 19, 29, 30, 32, and 33 are objected to.

Claims 1, 8, and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al., "Super Self-Aligned Double Gate (SSDG) MOSFETs Utilizing Oxidation Rate Difference and Selective Epitaxy." Claims 1, 4, 7-8, 28 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,248,626 to Kumar et al. Claims 1, 4, 7-8, 17, 20, 23, 27, 28 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2002/0093053 to Chan et al. in view of U.S. Patent No. 6,248,626 to Kumar et al. Claims 1, 4, 8, 17, 20, 24-27, 28, and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,580,137 to Parke in view of U.S. Patent Application No. 2002/0105039.

By this paper, independent claims 1, 17, 28, and 31 are amended to recite that the channel has a cross-sectional U-shape. Claims 2, 18, 29, and 32, that are objected to, are cancelled and their limitation included within their respective independent claim. The Office Action states, "the prior art of record fails to disclose the channel has a cross-section U-shape." Accordingly, independent claims 1, 17, 28, and 31 represent patentable subject matter. Claims 3, 4, 7, 8, 19, 20, 23-27, 30, and 33 depend from their respective independent claims, include all limitations of their respective independent claims, and likewise represent patentable subject matter.

Claims 5, 6, 21, and 22 are withdrawn as being directed to a nonelected species. In the Office Action of September 21, 2004, claims 1, 17, 28, 31, and 34 are identified as being


generic. The Office Action states that “[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.” Accordingly, the Applicants respectfully request rejoinder and allowance of claims 5, 6, 21, and 22 as depending from patentable generic claims.

Claims 34-41 and 44 are allowed. Claims 42 and 43 are withdrawn from consideration as being directed to a nonelected species. As claim 34 is allowed and generic, rejoinder and allowance of depending claims 42 and 43 is respectfully requested.

Claims 9-16 are process claims that are withdrawn from consideration as being directed to a nonelected . As the product claims represent patentable subject matter, the Applicants respectfully request rejoinder and consideration of process claims 9-16. “[I]f applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.” MPEP § 821.04. The Applicants elected product claims that represent patentable subject matter. Process claim 10 includes all the limitations of amended independent claims 1 and 17 and represents patentable subject. Similarly, claim 11 includes all the limitations of amended claims 3 and 19. Based on the MPEP, claims 10 and 11 are to be rejoined. Upon rejoinder of claims 10 and 11, the Applicants will amend the process claims to overcome an objection of claims 10 and 11.

The Applicants believe the application is in condition for allowance and respectfully request the same. If there are any remaining issues of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

By   
John R. Thompson  
Registration No. 40,842

STOEL RIVES LLP  
One Utah Center Suite 1100  
201 S Main Street  
Salt Lake City, UT 84111-4904  
Telephone: (801) 578-6994  
Facsimile: (801) 578-6999  
Attorney Docket No. 51889.2